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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,881	07/27/2000	Kenneth A. Parulski	69449DPRC	1043

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PATENT LEGAL STAFF
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EXAMINER

MOE, AUNG SOE

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 11/07/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/626,881

Applicant(s)
Parulski et al.

Examiner
Aung Moe

Art Unit
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 9, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-16 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on October 09, 2002 have been fully considered but they are not persuasive.

In page 3 of the remarks, the Applicant alleged that “the prior art does not suggest the steps of using the transceiver to transmit the stored image and a header identifying each of the selected receiver units; and receiving the transmitted image and the header, and providing the transmitted image to each of the selected receiver units, wherein a single transmission of the stored image enables the stored image to be provided to at least two different receiver units” as amendment in claim 10.

In response, the Examiner respectfully disagrees because Dounies ‘509 teaches the above mentioned claimed limitations steps. For example, the handheld digital camera (Fig. 2) is capable of transmitting a digital image (i.e., noted the camera 36 for providing a digital image; col. 4, lines 55) to a plurality of selected receiver units (i.e., As shown in Fig. 1, the digital image may be transmitted to a plurality of selected receiver units, such as FIRE, MEDICAL, POLICE, SILENT ALARM, and HAZARDOUS MATERIALS; see col. 6, lines 30-42). In particular, Dounies ‘509 teaches that the handheld digital camera (Fig. 2) may includes a RF/Cellular transceiver (i.e., col. 5, lines 25+ and col. 9, lines 44+) for transmitting the stored image (Fig. 4B,

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the elements 37) and a header identifying each of the selected receiver units (i.e., as shown in Fig. 2, that the use is capable of selecting a plurality of receiver units by activating one or all of the keys 4/5 so that a particular "suffix" number to facilitate (i.e., noted that a suffix number is used as "header" to identify each of the selected receiver units for proper routing. Therefore, the suffix number will be considered as "a header" as claimed; see col. 6, lines 25-45 and col 8, lines 15+); and receiving the transmitted image and the header and providing the transmitted image to each of the selected receiver units (i.e., noted that the Cellular transceiver receives the suffix number associated with the transmitted image, so that the transmitted image may be orderly routed to a one or all of the selected receivers; see col. 6, lines 27+ and col. 8, lines 14-35+), wherein a single transmission of the stored image enables the stored image to be provided to at least two different receiver units (i.e., as discussed in col. 6, lines 30-41 that the user may be selected one or all of the receiver units by pressing the specific switches 4/5, and after that when the switch 3 is finally pressed then the stored image will be transmitted with a single transmission to at least two different receiver units, such that FIRE/POLICE)" as amendment in claim 10.

In view of the above, present claimed invention is rejected as follows:

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Claim Rejections - 35 USC § 112

2. Claims 10 and 11-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Dependencies of the Claims 11-16 are unclear because Claims 11-16 are depending on the **canceled claims** 1, 2 and 6. In view of this, Claims 10-16 were found to be vague and indefinite under 35 U.S.C. 112, second paragraph.

Regarding claim 10, it is unclear how “a handheld digital camera” recited in line 4 related to “a handheld digital camera” recited in lines 1-2? If there is the same “camera”, the Examiner suggests changing “a handheld digital camera” recited in line 4 to -- said handheld digital camera --.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Dounies (U.S. 5,343,509).

Regarding claim 10, Dounies '509 discloses a method for transmitting a digital image from a handheld digital camera (i.e., Fig. 2) to a plurality of selected receiver units (Fig. 1, the element S; see col. 6, lines 24+ and col. 8, lines 15+) over a radio frequency link (col. 5, lines 24+ and col. 9, lines 44+), comprising the steps of:

a) providing the handheld digital camera including:

(I) an image sensor for capturing at least one image (i.e., noted that the digital camera 36 includes an image sensor; see col. 4, lines 55+);

(II) a memory for storing the at least one capture image (i.e., col. 7, lines 50+);

and

(III) a transceiver for transmitting the at least one stored image via radio frequency transmission (col. 5, lines 24+, col. 8, lines 30+ and col. 9, lines 44+);

b) capturing an image using the image sensor (col. 8, lines 1+);

c) storing the captured image in the memory (col. 7, lines 50+)

d) selecting a plurality of receiver units that are to receive the stored image (col. 6, lines 25+ and col. 8, lines 30+)

e) using the transceiver (i.e., noted the use of a Cellular transceiver as discussed in col. 5, lines 24+ and col. 9, lines 44+) to transmit the stored image and a header identifying (i.e.,

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noted the use of the suffix number for identifying the selected receiver) each of the selected receiver units;

f) receiving the transmitted image and the header, and providing the transmitted image to each of the selected receiver units (i.e., noted that the Cellular transceiver receives the suffix number associated with the transmitted image, so that the transmitted image may be orderly routed to a one or all of the selected receivers; see col. 6, lines 27+ and col. 8, lines 14-35+), wherein a single transmission of the stored image enables the stored image to be provided to at least two different receiver units (i.e., as discussed in col. 6, lines 30-41 that the user may be selected one or all of the receiver units by pressing the specific switches 4/5, and after that when the switch 3 is finally pressed then the stored image will be transmitted with a single transmission to at least two different receiver units, such that FIRE/POLICE).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Harris '336 and Radley '643 discloses a handheld digital camera having a transceiver for transmitting a stored image over a radio frequency link.

b. Yuyama '408 discloses a handheld digital camera having a transceiver for transmitting a stored image thereof

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Aung S. Moe** whose telephone number is **(703) 306-3021**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9314, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to
the customer service number **(703) 306-0377**.

A. Moe

November 4, 2002


AUNG S. MOE
PATENT EXAMINER